

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | NO. CR08-5671BHS |
| |) | |
| Plaintiff, |) | |
| |) | ORDER GRANTING MOTION TO |
| vs. |) | CONTINUE TRIAL DATE AND |
| |) | PRETRIAL DATES |
| EZEKIEL HAMPTON, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

THIS MATTER having come on regularly before the Court upon the Motion of Defendant Ezekial Hampton for a continuance of the pretrial motions cutoff date and trial date, and Defendant Katrina Grauman having joined in the same, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(i).

3. The defense needs additional time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(8)(B)(ii).

1 4. Taking into account the exercise of due diligence, a continuance is necessary
2 to allow the defendant the reasonable time for effective preparation his defense. 18
3 U.S.C. § 3161(h)(8)(B)(iv).

4 5. Defendant Ezekial Hampton filed a waiver of speedy trial through and
5 including July 15, 2009 (Dkt. 47).

6 6. Defendant Katrina Grauman joined in the Motion to Continue Pretrial Motions
7 Deadlines and Trial Date (Dkt. 48), and filed a waiver of speedy trial through and
8 including June 30, 2009..

9 NOW, THEREFORE,

10 IT IS HEREBY ORDERED that the trial date is continued from March 10, 2009
11 to May 19, 2009 at 9:00 am. The resulting period of delay from March 10, 2009, to May
12 19, 2009 is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(8)(A)
13 and (B).

14 Pre-trial motions are due no later than April 6, 2009.

15 Witness/Exhibit lists are due no later than April 28, 2009.

16 Voir dire/jury instructions/trial briefs are due no later than April 28, 2009.

17 Pre-trial conference shall be on May 11, 2009, at 1:30 p.m.

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19 DONE this 27th day of January, 2009.

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23 BENJAMIN H. SETTLE
24 United States District Judge
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